BOARD OF ADJUSTMENT

Zoning Administration Division
Development Services Department (DSD)
201 North Stone Avenue, Tucson, Arizona 85701

*** NOTICE OF DECISIONS ***

DATE OF PUBLIC HEARING August 26, 2009

THE DECISIONS OF THE BOARD OF ADJUSTMENT MAY BE APPEALED TO THE SUPERIOR COURT OF PIMA COUNTY BY FILING A COMPLAINT FOR SPECIAL ACTION WITHIN THIRTY (30) DAYS AFTER THE BOARD HAS RENDERED ITS DECISION. ARIZONA REVISED STATUTES SECTION 9-462.06 (J)&(K).

CASE NO.

THE APPLICANT

C10-09-12 SINEX/GILLILAND WATER HARVESTING CISTERNS/J. SINEX AND M.K. GILLILAND, 2801 EAST 2ND STREET, R-1

The applicants are appealing the Planning & Development Services Director's decision to deny Design Development Option (DDO) case DDO-09-29. The applicant filed a Design Development Option (DDO) application with the Development Services Department (DSD) requesting zoning approval to allow three (3) accessory structures (water harvesting cisterns) to remain, as constructed, in the east side yard with reduced building setbacks. The applicants' DDO was denied in part, due to a protest on the project's non-compliance with the required DDO Findings of LUC Section 5.3.4.3.F, .I, .K, and .M. Tucson Land Use Code (LUC) Sections applicable to this project include Section 5.3.4.3 (DDO Findings); Section 2.3.4 which provides the design criteria applicable to residential development in the R-1 zone; Sections 3.2.3, 3.2.5 and 3.2.6 which provide the development criteria for all structures; and, Section 5.1.7.3 which provides for the Board of Adjustment to hear and decide on appeals made to the Development Services Director's decision on DDO applications. The applicant is requesting a reversal of the Planning & Development Services (PDSD) Director's decision to deny DDO 09-29 to allow three cisterns a reduced setback of zero (0) feet. as measured from the east lot line.

<u>DECISION</u>: REVERSE THE PDSD DIRECTOR'S DECISION TO DENY DDO-09-29 SUBJECT TO THE FOLLOWING CONDITIONS:

- A. Install a trellis to screen cisterns from the adjacent property to the east.
- B. Plant trailing vine to grow and fill-in trellis to create an opaque screen.
- C. No additional cisterns are to be located within the required setback along the east boundary.

By LUC regulation, a building permit or development approval based upon a Board of Adjustment decision cannot be issued, until a minimum of fourteen (14) days after the Board's decision date.

IMPORTANT NOTICE

FOR VARIANCES OR DESIGN DEVELOPMENT OPTIONS (DDO) GRANTED BY THE ACTIONS OF THIS BOARD: IF A BUILDING PERMIT IS REQUIRED FOR THE PROJECT ASSOCIATED WITH THE VARIANCE OR DDO, IT MUST BE SECURED FROM THE DEVELOPMENT SERVICES DEPARTMENT (DSD) WITHIN 180 DAYS OF THE HEARING DATE.

VARIANCE AND DDO APPROVALS EXPIRE WITHIN 180 CALENDAR DAYS FROM THE DATE OF THIS MEETING. TWO ADDITIONAL (180 DAY) EXTENSIONS MAY BE GRANTED PROVIDED THERE IS GOOD CAUSE AND THE REQUEST IS MADE IN WRITING.

<u>UNLESS OTHERWISE NOTED</u>, BOARD OF ADJUSTMENT DECISIONS BECOME EFFECTUATED UPON OBTAINING BUILDING PERMITS (IF REQUIRED) AND FULL COMPLIANCE WITH ALL CONDITIONS OF THE BOARD' DECISION.

THE 180 DAY TIME FRAME TO OBTAIN A BUILDING PERMIT DOES NOT APPLY WHEN THERE IS AN OUTSTANDING ZONING VIOLATION WHICH PRECIPITATED THE VARIANCE OR DDO REQUEST FOR THE PROPERTY. THE APPLICANT OR PROPERTY OWNER MUST CONTACT THE DEPARTMENT OF NEIGHBORHOOD RESOURCES FOR THE DATE THE ZONING VIOLATION MUST BE ABATED.

If you want further information, please call Russlyn Wells at 837-4948 or Wayne Bogdan at 837-4946.

Sue Montes, Secretary Board of Adjustment

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